

CHAPTER 23
IMPACT FEE
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

ARTICLE 23.00 IMPACT FEE

23.01 Impact Fee

This Ordinance hereby imposes impact fees in order to regulate the effect of new development on Village infrastructure and services, the demand for which is generated by new development or any improvements made to existing development. The purpose of this ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide essential facilities in the Village of Slinger.

- A. Authority: The Village Board of the Village of Slinger has the authority to adopt this ordinance pursuant to §66.0617, Wisconsin Statutes.
- B. Definitions: As applied in this Ordinance, the following words and terms shall be used:
1. Building Permit means any permit required for new construction and additions pursuant to Chapter 30 of the Municipal Code;
 2. Capital Budget means a plan for capital expenditures, including commitments, to be incurred during the budget year;
 3. Capital Improvements Program (CIP) means a plan for capital expenditures, including commitments, to be incurred during the budget year and four (4) years into the future;
 4. Development means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires the issuance of a building permit;
 5. Impact Fee means a fee to be collected at the time of building permit and calculated based upon the costs of Village, Parks and Wastewater Treatment facilities in proportion to development creating the need for such facilities;
 6. Mixed Use Development means the local use of land involving both residential and non-residential development;
 7. Non-Residential Development means any local use of land for primarily industrial or commercial purposes, or which does not fall within the definition of residential development;
 8. Parks Facilities means any or all of the facilities as stated in the Village of Slinger Outdoor Recreation Plan dated August 2007, and/or any ancillary item associated with said plan;
 9. Residential Equivalency Charge refers to Section 12.06 of the Village of Slinger Municipal Code;
 10. Village means the Village of Slinger, Washington County, Wisconsin;
 11. Village Board means the Board of Trustees of the Village of Slinger, Washington County, Wisconsin;

4. The following collection and spending scenarios shall govern the use of any impact fees collected by the Village:

Collection Date	Collection Period	Spending Deadline
Before 1/1/2003	N/A	12/31/2002
After 12/31/2002 before 4/11/2006	N/A	1st day of 120th month after first collection date
After 4/10/2006	Within 7 Years of effective date of Ordinance	Within 10 years of effective date of Ordinance
After 4/10/2006	More than 7 years of effective date of Ordinance	"Reasonable period of time"

5. The impact fee trust fund may be used to provide refunds as described in Section 23.01(F).

G. Refund of Fees Paid: Any funds, except those collected for the Sanitary Sewerage Facilities Impact Fees, not expended or encumbered in accordance with Section 23.01(E)(4) shall, upon application of the then current owner, be returned to such landowner with interest at the rate of three (3) percent per annum, provided that the landowner submits an application for a refund to the Village Clerk of the Village of Slinger within one hundred eighty (180) days of the expiration of any threshold period.

H. Exemptions: The following shall be exempted from payment of the impact fee:

1. Alterations or expansion of an existing building where no additional residential units or sewer connections are requested and where the use is not changed.
2. The replacement of a building or structure with a new building or structure of the same size where number of dwelling units and/or number of sewer connections remains unchanged.

Any claim of exemption must be made no later than the time of application for creation or subdivision of the lot. Any claim not so made shall be deemed waived.

I. Appeal: Any property owner aggrieved by the amount, collection or use of fees, except those collected through the Sanitary Sewerage Facilities Impact Fees, collected for that property may appeal the determination to the Village Board by making a written request to the Village Clerk for review of the determination to the Board. The request shall detail the owner's complaint about the amount, collection or use of the fees and provide the name and address of the owner complaining. The Clerk shall give the owner written notice by mail at the address provided of when the matter will be taken up by the Board. The owner shall be given a reasonable opportunity to address the Board following which the Clerk shall give the owner written notification by mail to the address provided of the Boards decision on the appeal.

- J. Penalty Provision: A violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of a criminal prosecution, Village of Slinger shall have the power to sue in civil court to enforce the provisions of this ordinance.

- K. Severability: If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.